

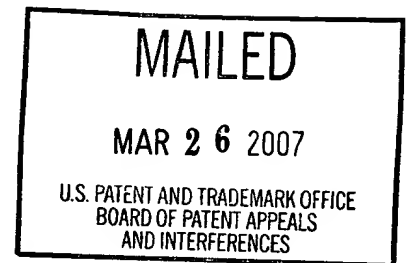
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL WOJTOWICZ

Application 09/833,372
Technology Center 2800



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on December 20, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appeal Brief

Appellants filed an Appeal Brief which was received by the USPTO on March 3, 2006. The content furnished under the heading “**Summary Of Claimed Subject Matter**” is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because there is no descriptive support for the subject matter defined in each of the

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independent and dependent claims on appeal. In order to address this deficiency, Appellant is directed to:

MPEP § 1205.03 Non-Compliant Appeal Brief and Amended Brief
which states that;

(B) When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

Correction is required with respect to the above-noted matter.

Accordingly, it is

ORDERED that the application is returned to the Examiner:


(1) to hold Appellant's Brief filed March 3, 2006, defective, and to instruct Appellant to file a Paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v);

(2) for consideration of said Paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) and;

(3) for such further action as may be appropriate.

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BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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PJN:hh

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